

## CHAPTER 4

### PROCEDURES FOR IMPLEMENTING THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

#### 4-1 Scope

a. This chapter provides Emergency Planning and Community Right-to-Know Act (EPCRA) policies and procedures applicable to all Navy shore installation operations in the customs territory of the United States and Guam.

- R) b. This chapter implements the requirements of E.O. 12856 of 3 August 1993, which requires Federal agency compliance with EPCRA. The Navy shall comply with EPCRA requirements of E.O. 12856 and all related Navy and Department of Defense (DOD) policy in the customs territory of the United States. As a matter of voluntary compliance, the Navy will comply with EPCRA requirements of E.O. 12856 and all related Navy and DOD policy in Guam. Neither the E.O., nor this chapter, imposes any requirements directly upon ships. Cognizant shore installations shall account in their reporting requirements for hazardous materials transferred to and from Navy ships.

- A) c. At the time of printing, E.O. 12856 was under revision. Should changes to this policy result from the revised executive order, policy will be issued under CNO letter and incorporated into this instruction at the next printing.

- A) Additionally, DOD is issuing staged guidance for application of EPCRA requirements to munitions operations. The initial stage requiring application of EPCRA to munitions manufacturing and munitions demilitarization operations has been signed, and policy is covered in this chapter. The second and final stage of guidance relating to range operations is currently in coordination and not signed at the time of printing. Changes to this instruction resulting from the additional DOD

guidance will be issued under CNO letter and incorporated at the next printing.

#### 4-1.1 References. Relevant references are:

- a. 40 CFR 355, EPA Regulations for Emergency Planning and Notification Under CERCLA;
- b. 29 CFR 1910.1200, OSHA Hazard Communication Standard;
- c. 49 CFR 173.2, Shippers - General Requirements for Shipments and Packaging;
- d. 40 CFR 261, Identification and Listing of Hazardous Waste;
- e. 40 CFR 302, EPA Designation, Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA;
- f. 40 CFR 372, EPA Toxic Chemical Release Reporting Regulations;
- g. OPNAVINST 5100.23E, Navy Occupational Safety and Health (NAVOSH) Program Manual;

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#### 4-2 Legislation

4-2.1 **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).** CERCLA provides funding and enforcement authority for the clean up of waste disposal sites and for responding to hazardous substance spills. CERCLA establishes a comprehensive response program for past hazardous waste (HW) installations, and the planning and response framework for hazardous substance releases.

**4-2.2 Emergency Planning and Community Right-to-Know Act (EPCRA).** This is title III of the Superfund Amendments and Reauthorization Act (SARA) which encourages and supports emergency planning and provides timely and comprehensive information to the public about the hazards associated with toxic chemical releases. Most notably, specific sections of EPCRA require immediate notification of releases of extremely hazardous substances and hazardous substances defined under the CERCLA to State and local emergency response planners. Additionally, EPCRA requires State and local coordination in planning response actions to chemical emergencies. The Act requires the submission and public disclosure of information on chemical inventories and releases and is made applicable to Navy facilities through E.O. 12856.

**4-2.3 Occupational Safety and Health Act (OSHA).** OSHA directs employers to establish and maintain comprehensive and effective occupational safety and health programs.

#### **4-3 Terms and Definitions**

**4-3.1 Agency.** An executive agency of the Federal government. Military departments fall under DOD.

**4.3.2 Article.** A manufactured item formed to a specific shape or design during manufacture and has end use functions dependent in whole or in part upon its shape or design during end use and which does not release, or otherwise result in exposure to, a toxic chemical under normal conditions of use.

**4-3.3 Authorized Use List (AUL).** The list of all hazardous material (HM) necessary to support the requirements of a command, facility, or installation.

**4-3.4 Covered Facility.** All facilities that meet one or more of the threshold reporting requirements under any section of EPCRA.

**4-3.5 Depot Maintenance.** Material maintenance requiring major overhaul or a complete rebuilding of parts, assemblies, subassemblies and end items, including the manufacture of parts, modification, testing, and reclamation. Depot maintenance serves to support lower categories of maintenance by providing technical assistance, sometimes beyond their responsibility. Depot maintenance provides stock of serviceable equipment because it has more extensive facilities available for repair than are available in lower maintenance installations. Depot maintenance includes all aspects of software maintenance.

**4-3.6 Extremely Hazardous Substance (EHS).** Any substance listed in appendix A or B of reference (a).

**4-3.7 Facility.** All buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites, owned or operated by the same person, otherwise known as the "host" or the "fenceline owner." For the purposes of Section 304 of EPCRA, the term includes motor vehicles, rolling stock, and aircraft.

**4-3.8 Hazardous Chemical (HC).** A chemical that is a physical or health hazard as defined in reference (b).

**4-3.9 HM.** Any material that is regulated as HM per reference (c) requires a material safety data sheet (MSDS) per reference (b) or, which during end use, treatment, handling, packaging, storage, transportation, or disposal, meets, has components which meet, or has the potential to meet the definition of HM as defined by reference (d) subparts A, B, C, and D. In general, any material, which because of its quantity, concentra-

tion, or physical, chemical, or infectious characteristics, may pose a substantial hazard to human health or the environment. Included in this definition are all EHSs, HCs, hazardous substances (HSs), and toxic chemicals (TCs).

Any other hazard-specific guidance (instructions or directives) takes precedence over this instruction for control purposes of HM. Such materials include: ammunition, weapons, explosives and explosive-actuated devices, propellants, pyrotechnics, chemical and biological warfare materials, medical and pharmaceutical materials, medical waste and infectious materials, bulk fuels, radioactive materials, and other materials such as asbestos and mercury. These materials are hazardous and exposure to personnel may occur during manufacture, storage, use, and demilitarization of these items.

**4-3.10 Hazardous Substance (HS).** Any substance listed in Table 302.4 of reference (e).

**4-3.11 Intermediate-Level Maintenance.** Material maintenance that is the responsibility of, and performed by, designated maintenance installations in support of using organizations. The intermediate maintenance mission is to enhance and sustain the combat readiness and mission capability of supported installations providing quality and timely material support at the nearest location with the lowest practical resource expenditure. Intermediate-level maintenance includes: limited repair of commodity-oriented components and end-items; job shop, bay, and production line operations for special mission requirements; repair of printed circuit boards, software maintenance, and fabrication or manufacture of repair parts assemblies, components, jigs and fixtures, when approved by higher levels.

**4-3.12 Material Safety Data Sheet (MSDS).** OSHA Form 174 or an equivalent form containing identical data elements used by manufacturers

of chemical products to communicate to users the chemical, physical, and hazardous properties of their products.

**4-3.13 Organization-Level Maintenance.** Maintenance normally performed by an operating unit on a day-to-day basis in support of its own operations. The organization-level maintenance mission is to maintain assigned equipment in a full mission-capable status while continually improving the process. Group organizational-level maintenance under the categories of "inspections," "servicing," "handling," and "preventive maintenance."

**4-3.14 Release.** Under EPCRA, release includes: pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any EHS, CERCLA release, HS or HC.

**4-3.15 Reportable Quantity (RQ).** The specified amount of any EHS or HS, which when released in excess of that amount to the environment, requires reporting under EPCRA Section 304. Appendices A and B of reference (a) and Table 302.4 of reference (e) list RQs. Some States may have more stringent limits set for RQs. Facilities should make every effort to comply with State and local requirements.

**4-3.16 Threshold Planning Quantity (TPQ).** The established amount of an EHS, which when present on-site at a facility in quantities equal to or greater than the TPQ, requires reporting under EPCRA Section 311 and notification under EPCRA Section 302. Appendices A and B of reference (a) list TPQs.

**4-3.17 Toxic Chemical (TC).** Any substance listed in reference (f).

#### 4-4 Requirements

**4-4.1 EPCRA Policy for Federal Agencies.** Since 1994, all Federal agencies are required to comply with the provisions in Sections 301-303, 304, 311-312, and 313 of EPCRA, all implementing regulations, and future amendments.

A) After extensive efforts to identify and define applicable munitions operations and associated releases, DOD is now issuing staged guidance on application of EPCRA requirements to munitions operations. Since calendar year 1998, installations have been required to fully comply with sections 302, 304, and 311-312 for munitions and munitions related items as specified in this chapter. Since 1998, installations have had to fully comply with section 313 requirements for the manufacture, processing, or otherwise use of toxic chemicals to produce munitions. Beginning calendar year 1999, installations shall comply, as specified in this chapter, with section 313 requirements for the testing and demilitarization operations of munitions and munitions related items. Application of EPCRA to range operations is currently pending.

A) a. **Primary Purpose of Emergency Planning and Report Notifications** is to protect public health, safety, and the environment, and to establish and coordinate the nation's chemical emergency planning activities.

R) b. **Section 302** is to inform emergency planners about the presence of extremely hazardous substances. A facility that has, on-site, any EHS, including those in munitions and munition related items, in a quantity equal to or in excess of its applicable TPQ, shall provide a one-time notification to the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) (or equivalent for your jurisdiction) that the facility is subject to the emergency planning requirements of EPCRA for

that substance. Include the facility name, facility point of contact, an alternative point of contact, and phone numbers. Thereafter, if an EHS becomes present at the facility in excess of its TPQ, or if the EHS list is revised and the facility has present an EHS in excess of the TPQ, the facility shall amend the original notification to the SERC and LEPC (or equivalent for your jurisdiction) to include the additional substance within 60 days of receiving the new information or the EHS.

c. **Under Section 303**, a covered facility shall provide any emergency planning information requested by the LEPC (or equivalent for its jurisdiction), to the extent practical, while taking into consideration national security issues. As a minimum, a facility subject to EPCRA reporting requirements will appoint a facility representative to actively serve on the LEPC (or equivalent for its jurisdiction).

d. **Section 304**, protects the public in the event of hazardous chemical releases through the establishment and formation of local and state emergency response capabilities. A facility where an EHS or HS is produced, used, or stored shall provide an immediate verbal and written follow-up notice of any EHS or HS, including those from munitions and munitions related items, released over a 24-hour period into any environmental media that meets the established RQ. Notify all SERCs and all LEPCs (or equivalent for its jurisdiction) for areas likely to be effected by the release. This notice does not relieve the facility of any notification requirements covered under other environmental regulations. (R)

Notification to the SERC or LEPC (or equivalent for its jurisdiction) is not required for releases that result in exposure to personnel solely within the boundaries of the facility, regardless of whether the RQ for the substance was met.

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- R) e. **Section 311** is to increase community awareness of chemical hazards. A facility with any HCs, including those associated with munitions and munitions related items, present on-site at any one time in an amount equal to or greater than 10,000 pounds, or equal to or greater than 500 pounds for an EHS or the applicable TPQ (whichever is less), and requiring an MSDS under OSHA, shall provide a one-time submission of copies of those MSDSs or a list of the HCs grouped by hazard category to the SERC, LEPC (or equivalent for its jurisdiction), and the local fire department with jurisdiction over the facility. Facilities should contact the local agency to identify their preference for data submission. Thereafter, should an HC become present in amounts equal to or over established thresholds or, should significant new information be discovered concerning the HCs for which a submission was previously made, the facility shall provide a new or revised submission within 3 months.

Stored munitions end items are considered to be "a solid in any manufactured item" and therefore the chemicals contained in munitions end items are not included in the threshold calculation or reporting in this section.

Should the SERC, LEPC (or equivalent for its jurisdiction), or local fire department with jurisdiction over the facility request an MSDS not previously submitted, the facility shall submit the requested MSDS within 30 days of receipt of the request. The minimum threshold for reporting in response to a request for submission is zero.

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- f. **Section 312** provides comprehensive information about the identity and amounts of stored chemicals and makes the information available to the public, emergency planners, and responders. A facility meeting Section 311 reporting requirements shall submit an annual Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II) for applicable HCs. The annual

submission is due on 1 March for the previous calendar year.

Should the SERC, LEPC (or equivalent for its jurisdiction), or local fire department with jurisdiction over the facility request a Tier II form not previously submitted, the facility shall submit the requested form within 30 days of receipt of the request. The minimum threshold for reporting in response to a written request for submission is zero.

- g. **Section 313** is to establish a facility-wide inventory of toxic chemical releases to all environmental media, to support State and local planning efforts and to inform the public about routine releases of toxic chemicals to the environment. A facility that has 10 or more full-time employees, and manufactures or processes any listed TC in excess of 25,000 pounds, or that otherwise uses any listed TC in a quantity over 10,000 pounds in a calendar year, is required to submit individual release data, a Form R, for each applicable TC. (R)

The manufacture, process or otherwise use of TCs to produce munitions related items is covered under this section. The demilitarization of munitions and munitions related items, including disassembly, dismantling, recycling, recovery, reclamation, and reuse, is considered a processing activity and is covered under this section. The demilitarization activities including open burning and open detonation (OB/OD), incineration, chemical neutralization and other methods of final treatment that alter the chemical composition of the munitions and its components is considered treatment and is covered under this section. The annual submission will be 1 July for the previous calendar year.

- h. Federal agencies are required to develop voluntary goals to reduce the agency's total releases of TCs to the environment from covered (R)

facilities by 50 percent by 31 December 1999. Federal agencies will publicly report baseline information for this goal on 1994 Form R reports. Federal agencies will calculate and monitor reductions using future Form R reporting. The baseline and reductions reported will not include releases and off-site transfers associated with munitions and munitions related items.

#### 4-5 Navy Policy

a. Navy policy is to comply with all requirements of EPCRA as described in E.O. 12856. Navy facilities are encouraged but not required to comply with additional State or local EPCRA program requirements. Navy installations should comply with State or local EPCRA program requirements to the extent that resources allow, and provided such compliance does not interfere with command mission accomplishment or other legal obligations.

- R) b. The Navy shall act to use the data generated through EPCRA data gathering and reporting information to prevent pollution by reducing HM use and decreasing the release of toxic chemicals into the environment to the minimum amounts achievable. Navy facilities shall use EPCRA data to provide input and updates to facility Pollution Prevention Plans as discussed in chapter 3.

**4-5.1 Compliance with Federal EPCRA Requirements.** All Navy shore installations shall use the following procedures in the customs territory of the United States and Guam in complying with EPCRA:

a. All installations shall define the facility fenceline and operations within that fenceline that require EPCRA documentation. Installations shall update Interservice Support Agreements (ISAs), as well as any other Host-Tenant agreements, to

reflect the data collection requirements of the tenants to the host.

(1) Class I property lines most appropriately define the facility fenceline with the fenceline owner responsible for all DOD tenants. The fenceline owner, otherwise known as the "host" command, shall file one report for the entire facility for each section of EPCRA requiring a report. All calculations will include combined totals from within the fenceline. Navy installations shall not report actions of non-DOD Federal agencies. Navy tenants of non-DOD host installations are independently responsible for meeting the Navy EPCRA reporting requirements.

(2) The owner of geographically separated portions of a covered facility may treat each establishment it operates as a separate facility. Independent owners of contiguous or adjacent sites are individually responsible for meeting all EPCRA reporting requirements.

b. Private contract operators on DOD facilities and Government-Owned and Contractor-Operated (GOCO) facilities are legally required to comply with all provisions of EPCRA to the extent that their operations meet threshold and other requirements of the statute and implementing regulations. The Navy encourages GOCO facilities to support Navy efforts in meeting any additional reporting requirements.

c. For purposes of emergency planning, all facilities shall determine whether they meet or exceed threshold requirements for an EHS or HS used at the facility. Each Navy facility that exceeds a threshold is subject to the reporting requirements of EPCRA for emergency planning, providing information, and emergency notification. Host commands shall calculate thresholds using the entire facility inventory.

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(1) Each facility that meets or exceeds a TPQ for an EHS shall notify the SERC and the LEPC (or equivalent for its jurisdiction) and provide a facility point of contact, an alternative point of contact, and telephone numbers.

A) (2) Facilities shall include EHS contained in munitions and munitions-related items. Munitions and munitions-related items containing EHS must be included in all facility calculations for threshold requirements and will report as required.

(3) If an EHS later becomes present at the facility in excess of its TPQ, or if the EHS list is revised and the facility has present an EHS in excess of the TPQ, the facility shall amend the original notification to the SERC and LEPC (or equivalent for its jurisdiction) to include the additional substance within 60 days.

(4) Each covered facility shall request to participate in local emergency planning functions and appoint a facility representative to actively serve on the LEPC (or equivalent for its jurisdiction). To the extent practicable, each covered facility shall provide any emergency planning information requested by the LEPC (or equivalent for its jurisdiction), while taking into consideration national security issues.

R) d. For emergency notification reporting, each facility that releases an EHS or HS, including those from munitions and munitions-related items, in excess of the RQ for that substance into any environmental media shall immediately notify all SERCs and LEPCs (or equivalent for its jurisdiction) in the area likely to be effected by the release of that substance. The facility shall submit a written follow-up notification of the release and actions taken as soon as practicable after the release. To expedite the notification process, the facility shall prepare and use a standard form and approval chain in the event of a report-

able release. The installation shall also notify the cognizant major claimant of the release in message form as soon as practicable after the release has occurred. The facility is not required to notify the SERC or LEPC (or equivalent for your jurisdiction) of releases that result in exposure to personnel solely within the boundaries of the facility regardless of whether the RQ for that substance was exceeded.

e. For community awareness, all installations shall determine if they meet or exceed threshold requirements for all HCs they possess that require an MSDS. This section includes those HCs associated with munitions and munitions-related items. However, stored munitions end items are considered to be "a solid in any manufactured item" and therefore, the chemicals contained in munitions end items are not included in the threshold calculation or reporting in this section. Each Navy facility that exceeds the threshold is subject to the reporting requirements of EPCRA for community right-to-know provisions. Host commands shall calculate thresholds using the entire facility inventory. (R

If the quantity of an HC is present at any one time in amounts equal to or greater than 10,000 pounds, it is reportable. If the substance is an EHS and the amount present at any one time is equal to or greater than 500 pounds or its TPQ, whichever is less, it is reportable. For each reportable HC, facilities shall provide a one-time submission of a copy of the MSDS or a list of reportable HCs, grouped by hazard category, to the SERC, LEPC (or equivalent for your jurisdiction), and the fire department with jurisdiction over the facility. Facilities should contact local agencies to identify their preferred method of data submission. A hard copy MSDS obtained from the Hazardous Material Information System (HMIS) is sufficient; see reference (g) for information on HMIS. The facilities should make the submissions to the fire department that would

routinely be the first alerted during an emergency. This would generally be the Navy fire department located on the installation but may also be a non-Navy fire department separate from the facility.

If a facility submits a list, it shall contain the following information:

(1) A list of the HCs for which an MSDS is required under OSHA regulations, grouped by hazard category. Only include those chemicals (either in mixtures or in the pure form) that meet or exceed threshold levels.

(2) The HC listed under all applicable hazard categories.

(3) The chemical and common name of each HC as provided on the MSDS.

Should the SERC, LEPC (or equivalent for your jurisdiction), or local fire department with jurisdiction over the facility request an MSDS not previously submitted, the facility shall submit the requested MSDS within 30 days of receipt of the request. The minimum threshold for reporting in response to a request for submission is zero.

Should an HC become present over established thresholds or should significant new information concerning the HCs for which a submission was previously made become available, the facility shall provide a new or revised submission within 3 months after discovery of this new information.

R) f. To provide comprehensive information about the identity and amounts of chemical hazards, facilities meeting or exceeding HC threshold requirements shall submit Emergency and Hazardous Chemical Inventory Forms for those HCs to the SERC, LEPC (or equivalent for their jurisdiction), and the local fire department with jurisdiction over the facility by 1 March, annually,

that cover the previous calendar year's inventory. Facilities may submit either Tier I or Tier II information; however, they are not required to comply with requests to use any form other than the Federal Tier I or Tier II forms.

The SERC and the LEPC (or equivalent for their jurisdiction) have the authority to request a Tier II submission for HCs present at the facility below threshold levels if the requester provides a written statement of need. Should the SERC, LEPC (or equivalent for their jurisdiction), or local fire department with jurisdiction over the facility request a Tier II form not previously submitted, the facility shall submit the requested form within 30 days of receipt of the request. The minimum threshold for reporting in response to a request for submission is zero.

g. To establish a facility-wide inventory of toxic chemical releases, all facilities shall determine if they meet reporting requirements for Toxic Release Inventory (TRI) Reporting, Environmental Protection Agency (EPA) Form R. Host commands shall ensure thresholds are calculated using the entire facility inventory. Base the TRI reporting requirements on the following criteria: (R)

(1) The facility has 10 or more full-time employees; and

(2) The facility manufactured (defined to include imported) or processed a TC in quantities in excess of 25,000 pounds over the course of a calendar year; or

(3) The facility otherwise used a TC in quantities in excess of 10,000 pounds over the course of a calendar year.

These thresholds are TC and activity-specific, and do not include storage or the amount present at any one time.



- A) The manufacture, process or otherwise use of TCs to produce munitions-related items is covered under this section. The demilitarization of munitions and munitions-related items, including disassembly, dismantling, recycling, recovery, reclamation, and reuse, is considered a processing activity and is covered under this section. The demilitarization activities including OB/OD, incineration, chemical neutralization and other methods of final treatment that alter the chemical composition of the munitions and its components are considered treatment and are covered under this section. All munitions treated on-site shall be counted. Munitions included on ranges is a subject still under consideration and will be covered in subsequent guidance.

Navy installations shall not use the alternative threshold certification statement option, Form A.

- R) Navy facilities will make every attempt to submit Form Rs to EPA covering GOCO information as required in this chapter. The facility shall provide U.S. Navy GOCO information on a separate government-submitted Form R. The government Form R submission shall list U.S. DOD Navy as the "parent company" under section 5.1 of the form. If the Navy is unable to obtain GOCO information or Form Rs, the Navy facility shall, at a minimum, provide the contractor's name, technical contact, and facility location to CNO (N45).

By entering only the government submitted form to the automated EPA database, EPA will avoid database double counting of these releases.

TCs stored aboard ship while a ship is in port do not become part of the shore facility's inventory and are not reported by the shore facility. Material maintained under ship's custody is not subject to reporting requirements. The transfer of a TC to or from a Navy ship is not considered to

be a manufacture, process, or other use of a TC and, therefore, shall not be used by a facility to calculate threshold requirements. If the TC has triggered the reporting requirement elsewhere however, the facility shall include transfers to ships as off-site transfers in the Form R release calculations. Consider floating dry-docks as part of the shore facility and report them accordingly.

h. EPCRA regulations provide certain exemptions that are intended to relieve facilities from the burden of making threshold and release calculations based on small or ancillary uses of listed TCs. Five primary categories exist under the exemptions, including *de minimis*, article, use, laboratory, and property ownership. In general, the use exemption does not apply to TCs manufactured, processed, or otherwise used. The use and laboratory categories apply to Navy facilities in the following manner:

(1) The structural component category exempts TCs that are structural components of the facility or that are used to ensure or improve structural or functional integrity. The facility can apply this exemption to listed TCs found in material that is part of the facility's structure (i.e., copper in copper piping used for the plumbing in the facility). The facility does not have to account for releases resulting from passive degradation that naturally occurs in structural components of a facility.

Maintenance and repair activities performed by facility maintenance to the facility infrastructure are also consistent with the "structural component" exemption. Include painting to maintain the physical integrity or function of the facility in the exemption. The exemption also covers small amounts of material passively abraded or corroded from pipes and other facility equipment. Include in the facility infrastructure, but do not limit to: buildings, roads, runways, fencelines, and utilities.

(2) The routine janitorial and grounds maintenance category exempts the use of TCs contained in products for routine janitorial and installations grounds maintenance. The routine maintenance exemption covers janitorial or other custodial maintenance and all other installation grounds maintenance for activities using substances such as cleaning supplies, fertilizers, pesticides, fungicides, herbicides, rodenticides, and insecticides similar in type and concentration to consumer products. For example, facilities do not have to report the use of TCs for lawn maintenance, building maintenance, and grounds maintenance.

(3) The personal use category exempts the personal use of listed TCs in products used by employees or other persons at the facility. This exemption also covers activities associated with facility-operated cafeterias, commissaries, DOD Exchanges, medical facilities or facilities associated with morale, welfare, and recreation (MWR). "Personal use" products include foods, drugs, cosmetics, office supplies, and other personal items. The personal use exemption also covers toxic chemicals used strictly for reasons of personal comfort, necessity, or other such purposes, for example, heating and air conditioning units or lighting fixtures.

Navy policy exempts activities associated with hospitals and other base medical facilities from toxic release inventory threshold and release calculations as such activities are exempted under the personal use exemption of the EPCRA regulations.

(4) The motor vehicle category exempts TCs contained in products used for the purpose of maintaining motor vehicles operated by a facility. Facilities are exempt from reporting the use of TCs associated with the maintenance of motor vehicles, such as staff cars, base maintenance and support vehicles, and privately owned vehicles used on the installation. Large combined

fleets of motor vehicles maintained at one central location are not exempt.

Facilities are not exempt from reporting the TCs used at the Intermediate and Depot Level for the maintenance of the tactical vehicles, aircraft (including missiles), and ships. Shore facilities are not exempt from reporting TCs used by shore based maintenance in repairing and painting ships that are in port or in dry-dock. TCs used on board ship by ship's company for organizational level maintenance are exempt. Maintenance below Intermediate and Depot Level (e.g., Organizational Level) maintenance is exempt. For example, field or organizational level units are exempt from reporting TCs used in the maintenance of vehicles outside the Intermediate and Depot Level maintenance shop. Similarly, personnel maintaining aircraft and vehicles under field conditions and personnel maintaining ships at sea are exempt from reporting their use of TCs.

(5) The motor vehicle maintenance category applied for fuels exempts TCs associated with the transfer of fuel from non-stationary sources of fuel, for example tanker trucks. *Emissions from mobile sources are exempt.* The fueling of vehicles from stationary sources of fuel and bulk fuel storage, including movable bulk storage tanks, is exempt from threshold and release calculations.

(6) The intake water/air category exempts facilities from reporting TCs present in process water or no-contact cooling water as drawn from the environment or from municipal sources. The exemption also covers TCs present in air used either as compressed air or as part of combustion.

(7) The laboratory activity category applies to those listed TCs manufactured, processed, or otherwise used in a laboratory for quality control, research and development, and other

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laboratory activities. The manufacture, process, or otherwise use of TCs for the purpose of testing munitions, weapons systems or qualifying munitions by personnel as part of the testing process is considered part of this exemption. This exemption should be applied as narrowly as possible. It is not intended as a blanket exemption for any facility that has the title "laboratory" in its name. To qualify, the listed TCs must be directly used in, or produced by, a laboratory activity at a Navy facility. The manufacture, processing, or other use must occur under the supervision of a technically qualified individual. Generally, consider bench-scale activities exempt. Activities that do not directly support research and development, sampling and analysis or quality assurance and control are not exempt. Specialty chemical production and pilot plant scale activities do not qualify for the laboratory activities exemption.

R)

Facilities were not required to report information for munitions for CY 1994, 1995, 1996, or 1997 submissions. Since CY 1998, reporting of munitions has been required as directed by this chapter.

Facilities shall submit a separate and complete electronic Form R to the EPA and the State for each TC meeting threshold requirements. The Form R shall cover not only the triggering activity but all uses of the TC at the facility. Installations shall use actual numbers vice range codes for all areas on the Form R. The annual submission is due by 1 July covering the previous calendar year releases. Installations shall submit an electronic copy of all Form Rs to the cognizant major claimant who shall forward the electronic form to CNO (N45) by 1 August for accurate measurement of the total annual releases and off-site transfers of reported TCs by Navy installations.

D)

Facilities shall ensure documentation is in place to support EPCRA reporting efforts. Fa-

cilities should have documentation and calculations for threshold and release decisions available to support any inquiries. Facilities shall maintain support documentation for a minimum of 5 years.

Facilities shall cooperate fully with EPA regional personnel conducting EPCRA compliance reviews and inspections. Facilities should be prepared to provide, in a timely manner, information related to the calculation and preparation of all EPCRA reports. If information requested is not available or questioned by EPA personnel, installations shall explain in writing and should reference Navy guidance as applicable. If Navy policy or guidance is questioned, installations shall refer EPA personnel to CNO (N45). Installations shall not take any action inconsistent with Navy policy without approval from CNO (N45).

(A)

The Navy's policy is to make Form R's readily available to the public upon request without requiring Freedom of Information requests.

i. By 31 December 1999, each major claimant shall meet an aggregate 50 percent reduction from a 1994 baseline of total releases and off-site transfers of TCs to the environment by its facilities. Claimants may assign differing goals to installations based on assessment of progress already achieved and the opportunity for realizing additional reductions in a cost effective manner. Installations should approach reduction efforts in a total quality leadership manner striving for continuous improvement regardless of numeric goal settings. Installations shall use as baseline information for this goal publicly reported 1994 Form R reports. Reductions will be calculated and monitored annually through future Form R reporting. The baseline and reductions reported will not include releases and off-site transfers associated with munitions and munitions related items.

(R)

(1) The actual baseline is the total volume of TCs that appear on the EPA Form R

Section 8.1, Quantity Released and Section 8.7, Quantity Treated Off-Site. Section 8.1 is a compilation of Section 5, and Section 6.2 (disposal codes only: M10, M71, M72, M73, M79, M90, M94, M99) minus Section 8.8 (events associated with catastrophic events) data. Section 8.7 includes Section 6.2 (waste treatment codes: M40, M50, M54, M61, M69, M95) and Section 6.1 data.

(2) CNO (N45) will use the annual sum of Sections 8.1 and 8.7 of all submitted Form Rs to track progress in meeting the 50 percent reduction goal.

j. Prior to the release of any reports to the SERC or LEPC (or equivalent for your jurisdiction), non-Navy fire departments, EPA, or the State, installations shall review the information to prevent the release of classified information. In cases where information regarding the use of a substance is classified, the installation shall develop alternative procedures for protecting the installation and off-site personnel.

k. Chapter 10 describes Navy policy and planning in relation to an accidental release of HS.

#### **4-6 Responsibilities**

##### **4-6.1 The Chief of Naval Operations CNO (N45) shall:**

- a. Develop and implement Navy EPCRA policy.
- b. Develop detailed guidance for use by installations in the implementation of EPCRA requirements.
- c. Act as the assessment sponsor for accomplishing implementation of EPCRA and pollution prevention efforts at Navy installations.

d. Track and monitor Navy progress toward 50 percent reduction goal.

e. Provide Claimant-submitted Form R reports, status reports and updates to DOD annually.

##### **4-6.2 COMNAVFACENGCOM shall:**

a. Support EPCRA initiatives as tasked by CNO (N45).

b. Assist CNO (N45) in managing and analyzing EPCRA data.

c. Provide technical assistance to shore installations to implement EPCRA policy.

##### **4-6.3 COMNAVSUPSYSCOM shall:**

a. Assist the CNO (N45) in managing the HM aspects of the Navy EPCRA effort and serve as the overall manager for the supply aspects.

b. Provide support, as requested, to identify EPCRA-listed chemicals in supplied materials.

c. Develop, implement, and maintain a Navy-wide system for acquiring only authorized HM, integrating command and shore installation HM AULs to support reduced EPCRA reporting.

d. Provide guidance to, and coordinate efforts of the Navy-wide HM substitution efforts, including development of a substitution guidance document to support reduced EPCRA reporting.

e. Establish methods to reduce or minimize the entry of new HM into the supply system. Prior to the introduction of new HM into the system, a valid requirement for the HM must exist; a complete MSDS shall be locally available; and a review shall confirm that existing non-hazardous

or less hazardous substitutes are not available to support reduced EPCRA reporting (see chapter 3 for details).

**4-6.4 The Chief of Naval Education and Training (CNET)** shall incorporate EPCRA guidance and policies into Navy training. Appropriate training courses shall include pollution prevention and source reduction initiatives as applicable to EPCRA requirements.

**4-6.5 Major claimants shall:**

a. Program, budget, and allocate funds for all identified installation EPCRA requirements.

b. Assist COMNAVSUPSYSCOM in developing and maintaining a centralized list of authorized HM or the approved, less hazardous substitutes. Ensure that installations under their cognizance use only those HMs that appear on the HM AUL in support of reducing EPCRA reporting requirements.

c. Develop and implement HM elimination/substitution processes for all systems and operations under their cognizance to support the reduction of EPCRA reporting.

d. Develop processes that ensure that the least hazardous, technically acceptable materials are incorporated into the installation AUL to improve EPCRA reporting efforts (see chapter 3 for details).

e. Establish goals for facilities under their command to support the Navy 50 percent reduction goal of total releases of TCs to the environment by 31 December 1999. Advise CNO (N45) of individual installation goals as established.

f. Notify CNO (N45) of any deficiencies cited by EPA inspectors during facility EPCRA reviews and inspections to provide appropriate

lessons learned and required improvements to current policy and programs.

g. Compile and review all installation Form Rs and forward electronic copies to CNO (N45) annually by 1 August for accurate measurement of releases and off-site transfers of all TCs by Navy installations.

h. Compile and review facility information on actual number of installations meeting reporting requirements under all sections of EPCRA.

**4-6.6 Commanders and commanding officers of shore installations** shall refer to paragraph 4-5 for specific requirements and shall:

a. Define the facility fenceline, including all tenants, to support EPCRA reporting requirements. Revise and update ISAs to support these requirements.

b. Calculate all thresholds using the entire facility inventory and meet all reporting requirements according to EPCRA for that facility.

c. Review all publicly available data to prevent sensitive or classified information from being released. Sign each EPCRA Form R as the validating official or designate in writing alternate validating official.

d. Honor public requests for EPCRA information in a timely and informative manner. Ensure the public affairs office is onboard and aware of information.

e. Use data provided from EPCRA data collection and reporting in updating the installation comprehensive Pollution Prevention Plan (see chapter 3 for details).

f. Notify Major Claimant and regional environmental coordinator upon receiving notice

of EPA's intent to inspect for EPCRA compliance and of final results. Fully cooperate with EPA personnel to support EPCRA reviews and inspections.

g. Reduce the releases of TCs as established by the Major Claimant and identified in the Pollution Prevention Plan to support the Navy's 50 percent reduction of total releases of TCs to the environment by 31 December 1999 and reduction in EPCRA reporting requirements.

h. Develop and implement a local HM AUL using an inventory that identifies and quantifies HM, including whether the material is an EHS, HS, or TC.

i. Establish and implement procedures to control, track, and reduce the variety and quantities of HM in use, in storage or stock, or disposed of as HW, to support reduced EPCRA reporting.

j. Identify to the Major Claimant funding needed to support all EPCRA requirements.

**4-6.7 Regional Environmental Coordinators (RECs) shall:**

a. Coordinate with regulators, covered facilities, and CNO.

b. Disseminate policy and guidance information to covered facilities.

c. Support regional requests for public information on EPCRA information.